

JANUARY 29, 2007

ENERGY & ENVIRONMENT COMMITTEE
REPORT NO. 2

ALL MEMBERS PRESENT. CHAIRPERSON MARINELLI PRESENT AS EX-OFFICIO MEMBER.

1. RESOLVED, the following items are hereby received and filed:
- a. COMM. 12M-9 (2006)
ECWA: Letter to Marinelli Re: Presentation to Energy & Environment Committee (5-0)

b. COMM. 15M-1 (2006)
ECWA: 2005 Annual Report (5-0)

c. COMM. 22M-1 (2006)
ECWA: Preliminary 2007 Budget (5-0)

2. COMM. 20E-18 (2006)
COUNTY EXECUTIVE
- AS AMENDED

WHEREAS, the Erie County Department of Environment and Planning, Division of Sewerage Management needs to retain an Engineer to provide services for the preparation of a Feasibility Study to evaluate mergers of sanitary sewer services; and

WHEREAS, the Selection Committee, including the Department of Environment and Planning, has recommended the firm of CRA be awarded the assignment; and

WHEREAS, New York State Shared Municipal Services Incentives has awarded Erie County Sewer District No. 5 a 90% grant for this feasibility study.

NOW, THEREFORE BE IT

RESOLVED, that the engineering firm of CRA Infrastructure & Engineering be retained at a cost not to exceed \$80,000.00 to complete the merger feasibility evaluation; and be it further

RESOLVED, that the County Executive, be and hereby is, authorized to execute an Agreement with the firm of CRA Infrastructure & Engineering, Inc., 268 Main Street, Suite 600, Buffalo, New York 14202, to provide the needed engineering services subject to approval as to form by the County Attorney’s

Office and approval as to content by the Commissioner of the Department of Environment and Planning; and be it further

RESOLVED, that Erie County Sewer District No. 5 accept the 90% grant from New York State Shared Municipal Services; and be it further

RESOLVED, that the Director of Budget Management and Finance and the Erie County Comptroller be authorized to modify the Erie County Sewer District No. 5 capital and 2007 operating fund budgets and establish a capital project for Erie County Sewer District No. 5 with a Budget of \$80,000 and transfer \$8,000 for the agreement from Erie County Sewer District No. 5 operating fund to the new Erie County Sewer District No. 5 capital project as follows:

	Sewer District	Cost Center	Account		Increase
Operating	5	1811050	402190	Use of Fund Balance	\$ 8,000
	5	1811010	570000	Trans-Out	\$ 8,000
Capital	5	1811010	516020	Contract. Services	\$80,000
	5	1811010	486000	Trans-In	\$ 8,000
	5	1811010	409000	State Aid	\$72,000

and be it further

RESOLVED, that the Clerk of the Legislature be directed to send one (1) certified copy each of the Resolution to the County Executive, the Erie County Comptroller; the Director of Budget, Management and Finance; Gregory Dudek, Assistant County Attorney; and two (2) certified copies to Thomas J. Whetham, P.E., Deputy Commissioner, Department of Environment and Planning. (4-1) Legislator Loughran in the negative.

3. COMM. 20E-22 (2006)
COUNTY EXECUTIVE
- AS AMENDED

WHEREAS, the Erie County Department of Environment and Planning, Division of Sewerage Management needs to retain an Engineer to provide services for the preparation of a Feasibility Study to evaluate mergers of sanitary sewer services; and

WHEREAS, the Selection Committee, including the Department of Environment and Planning, has recommended the firm of Red Oak Consulting, 40 Centre Drive, Orchard Park, New York 14127 be awarded the assignment; and

WHEREAS, New York State Shared Municipal Services Incentives has awarded Erie County Sewer District Nos. 1 and 4 a 90% grant for this feasibility study.

NOW, THEREFORE BE IT

RESOLVED, that the engineering firm of Red Oak Consulting be retained at a cost not to exceed \$70,000.00 to complete the merger feasibility evaluation; and be it further

RESOLVED, that the County Executive, be and hereby is, authorized to execute an Agreement with the firm of Red Oak Consulting, 40 Centre Drive, Orchard Park, New York 14127, to provide the needed engineering services subject to approval as to form by the County Attorney’s Office and approval as to content by the Commissioner of the Department of Environment and Planning; and be it further

RESOLVED, that Erie County Sewer District Nos. 1 and 4 accept the 90% grant from New York State Shared Municipal Services; and be it further

RESOLVED, that the Director of Budget Management and Finance and the Erie County Comptroller be authorized to modify the Erie County Sewer District Nos. 1 and 4 capital and 2007 operating fund budgets and establish a capital project for Erie County Sewer District Nos. 1 and 4 with a Budget of \$70,000 and transfer \$6,000 for the agreement from Erie County Sewer District No. 1 operating fund and \$1,000 from Erie County Sewer District No. 4 operating fund to the new Erie County Sewer District Nos. 1 and 4 capital project as follows:

	<u>Sewer District</u>	<u>Cost Center</u>	<u>Account</u>		<u>Increase</u>
Operating	1	1811010	402190	Use of Fund Balance	\$ 6,000
	4	1811040	402190	Use of Fund Balance	\$ 1,000
	1&4	1811010	570000	Trans-Out	\$ 7,000
Capital	1&4	1811010	516020	Contract. Services	\$70,000
	1&4	1811010	486000	Trans-In	\$ 7,000
	1&4	1811010	409000	State Aid	\$63,000

and be it further

RESOLVED, that the Clerk of the Legislature be directed to send one (1) certified copy each of the resolution to the County Executive, the Erie County Comptroller, the Director of Budget, Management and Finance, Gregory Dudek, Assistant County Attorney; and two (2) certified copies to Thomas J. Whetham, P.E., Deputy Commissioner, Department of Environment and Planning.
(4-1) Legislator Loughran in the negative.

4. COMM. 22E-34 (2006)
COUNTY EXECUTIVE

WHEREAS, the Erie County Department of Environment and Planning, Division of Sewerage Management needs to retain an Engineer to provide services to evaluate the sanitary sewers capacity in Erie County Sewer District No. 2; and

WHEREAS, the Department of Environment and Planning has recommended the firm of Stearns & Wheler, LLC, University Center, Suite 100, 415 North French Road, Amherst, New York.

NOW, THEREFORE BE IT

RESOLVED, that the engineering firm of Stearns & Wheler, LLC be retained at a cost not to exceed \$129,265.00; and be it further

RESOLVED, that the County Executive, be and hereby is, authorized to execute an Agreement with the firm of Stearns & Wheler, LLC, University Center, Suite 100, 415 North French Road, Amherst, New York 14228 to provide the needed engineering services subject to approval as to form by the County Attorney’s Office and approval as to content by the Commissioner of the Department of Environment and Planning; and be it further

RESOLVED, that the County Comptroller be authorized to allocate a total of \$129,265.00 for the Agreement from Sewer Capital Account C.00011, as determined by the Commissioner of Environment and Planning; and be it further

RESOLVED, that the Clerk of the Legislature be directed to send and one (1) certified copy each to the County Executive; the Erie County Comptroller; Gregory Dudek, Assistant County Attorney; James M. Hartman, Director of Budget, Management and Finance and two (2) certified copies of the Resolution to Thomas J. Whetham, P.E., Deputy Commissioner, Department of Environment and Planning.
(4-1) Legislator Loughran in the negative.

5. INTRO 24-3 (2006) **AS AMENDED**
KOZUB, KONST, LOCKLEAR, MARINELLI, LOUGHRAN, WHYYTE, REYNOLDS & MILLS

WHEREAS, a portion of the federal aid which was made available as a result of President Bush's October 24th major disaster declaration is for a program called "Hazard Mitigation," and

WHEREAS, these funds must be used for "assistance to state and local governments for actions taken to prevent or reduce long-term risk to life and property from natural hazards", and

WHEREAS, the New York State Emergency Management Office will, under the direction of Governor George Pataki, decide whether those funds will be spent in the four-county declared disaster area, or whether they will be spent on projects throughout the state, and

WHEREAS, the New York State Emergency Management Office will, under the direction of Governor George Pataki, decide which specific projects will be advanced with these funds, and

WHEREAS, the total amount available to New York State under this program as a result of this disaster declaration is not yet known, but it will be between 7.5% and 15% of the total grant amount, meaning that an amount between \$22.5 million and \$45 million will likely be made available under the Hazard Mitigation program, and

WHEREAS, Smokes Creek in the City of Lackawanna actually backed up as a result of the storm which triggered this declaration, and

WHEREAS, Smokes Creek requires \$4-5 million in dredging to prevent flooding, and

WHEREAS, it is anticipated that if this dredging does not proceed, more Lackawanna residents will become subject to the onerous requirements of the National Flood Insurance Program, and

WHEREAS, it is anticipated that if the dredging goes forward, many Lackawanna residents who are currently subject to mandatory flood insurance requirements will cease to be subject to those requirements, and

WHEREAS, there are a number of other flood control projects which have been proposed but which are unfunded in the declared disaster area, and

WHEREAS, while total cost estimates for these projects have not yet been developed, these projects would mitigate serious risks to life and property and are eligible for funding under this program, and

WHEREAS, these projects include Eighteen Mile Creek in the Towns of Boston and Hamburg, Ellicott Creek in the Town of Lancaster, Lehn Springs and Ellicott Creek in the Village of Williamsville, Big Sister Creek in the Town of Evans and Cattaraugus Creek in the Village of Gowanda.

NOW, THEREFORE, BE IT

RESOLVED, that the Legislature of Erie County respectfully requests that Governor Pataki and the State Emergency Management Office direct that \$5 million in federal Hazard Mitigation funds be allocated for the dredging and improvement of Smokes Creek, in order to mitigate flood risks in the City of Lackawanna, and be it further

RESOLVED, that this Honorable Body requests that the Governor use the federal Hazard Mitigation funds at his disposal to advance flood mitigation projects at Eighteen Mile Creek in the Towns of Boston and Hamburg, Ellicott Creek in the Town of Lancaster, Lehn Springs and Ellicott Creek in the

Village of Williamsville, Big Sister Creek in the Town of Evans and Cattaraugus Creek In the Village of Gowanda, and be it further

RESOLVED, that this Honorable Body requests that the Governor direct that that all of the federal Hazard Mitigation funds which become available to the State of New York as a result of President Bush's October 24th major disaster declaration be allocated for projects in the four-county disaster area, rather than being spread throughout the State, and be it further

RESOLVED, that a copy of this resolution be sent to Governor George Spitzer, to US Senators Charles Schumer and Hillary Clinton, to Congressman Brian Higgins, to New York State Senator William Stachowski, to New York State Assemblymen Jack Quinn and Mark Schroeder, to Erie County Executive Joel Giambra, and to Mr. John Gibb, the Director of the New York State Emergency Management Office. (5-0)

6. COMM. 25E-23 (2006) AS AMENDED

COUNTY EXECUTIVE

WHEREAS, the Erie County Department of Environment and Planning, Division of Sewerage Management needs to retain an Engineer to provide services to evaluate the feasibility of eliminating the Lackawanna Wastewater Treatment Plant and transmitting all flows to the Buffalo Sewer Authority for treatment; and

WHEREAS, New York State Shared Municipal Services Incentives has awarded Erie County and Erie County Sewer District No. 6 a 90% grant for this feasibility study; and

WHEREAS, the Selection Committee, including the Department of Environment and Planning, has recommended the firm of CRA be awarded the assignment.

NOW, THEREFORE BE IT

RESOLVED, that the engineering firm of CRA Infrastructure & Engineering be retained at a cost not to exceed \$150,000.00 to complete the feasibility study; and be it further

RESOLVED, that the County Executive, be and hereby is, authorized to execute an Agreement with the firm of CRA Infrastructure & Engineering, Inc., 268 Main Street, Suite 600, Buffalo, New York 14202, to provide the needed engineering services subject to approval as to form by the County Attorney’s Office and approval as to content by the Commissioner of the Department of Environment and Planning; and be it further

RESOLVED, that Erie County Sewer District No. 6 accept the 90% grant from New York State Shared Municipal Services; and be it further

	<u>Sewer District</u>	<u>Cost Center</u>	<u>Account</u>	<u>Increase</u>
Operating	6	1861010	402190 Use of Fund Balance	\$15,000
	6	1861010	570000 Trans-Out	\$15,000
Capital	6	1861010	516020 Contract. Srvs.	\$150,000
	6	1861010	486000 Trans-In	\$15,000
	6	1861010	409000 State Aid	\$135,000

WHEREAS, The County Legislature of the County of Erie, New York, has heretofore duly directed that there be prepared a report and estimate of cost by the County Engineers (Erie County Department of Environment and Planning) relating to a proposed modification of plans for the increase and improvement of the facilities for County Sewer District No. 4 authorized by the County Legislature,

Section 1. Upon the evidence given at the aforesaid public hearing, it is hereby found and determined that it is in the public interest to modify the plans for such increase and improvement of the facilities of Erie County Sewer District No. 4 in the County of Erie, New York, all as more fully described in the preambles hereof, and such modification of plans for the increase and improvement of facilities is hereby authorized at a maximum estimated cost of \$350,000.

Section 2. The cost of the proposed modification expenditure is to be apportioned between real property in the District in accordance with their respective proportionate shares in accordance applicable flat charges, hook-up charges and charges based on units, assessed value and footage, specified in the District’s Benefit and User Charge formulas, as such formulas currently exist and as amended from time to time.

Section 3. This resolution shall take effect immediately.
(4-1) Legislator Loughran in the negative.

8. COMM. 2E-12 (2007)
COUNTY EXECUTIVE

WHEREAS, the Erie County Department of Environment and Planning provides support to solid waste management planning units, including the City of Buffalo, to assist them in meeting their solid waste management objectives; and

WHEREAS, the New York State Department of Environmental Conservation (NYSDEC) provides grant assistance to municipalities to implement projects to reduce solid waste in New York State; and

WHEREAS, the City of Buffalo has requested that Erie County assist in the management and implementation of their recycling program; and

WHEREAS, the Department of Environment and Planning provides technical assistance to municipalities and businesses to help address their waste management needs; and

WHEREAS, a City of Buffalo resolution passed on March 20, 2003 (Ref: Resolution “Authorizing Application Grant-In-Aid - Municipal Waste Reduction Recycling Project - State Contract Item No. 116, C.C.P., Feb. 4, 2003 No. 99) provided the necessary authorization to apply for a State Grant-In-Aid for such a municipal Waste Reduction Project and to execute a contract for such State Aid; and

WHEREAS, through Legislative resolution (Comm. 20E-55) dated November 20, 2003, Erie County accepted the grant resources from the NYSDEC and matching funds of \$105,000 from the City of Buffalo; and

WHEREAS, the current budget (162BFLORECYCLE 0306) was established by Legislation (Comm. 20E-23) dated November 2, 2006; and

WHEREAS, the current budget requires revision to effectively utilize remaining funds and to extend the Program through December 31, 2007.

NOW, THEREFORE, BE IT

RESOLVED, that the grant budget (162BFLORECYCLE 0306) for the Erie County Solid Waste Recycling Coordination/Education Project in Buffalo will be revised as follows:

APPROPRIATIONS:				
<u>ACCOUNT</u>	<u>DESCRIPTION</u>	<u>CURRENT BUDGET</u>	<u>REVISIONS</u>	<u>REVISED BUDGET</u>
500000	Salaries	\$124,891	\$5,275	\$130,166
502000	Fringe Benefits	45,185	1,910	47,095
505000	Office Supplies	787	(211)	576
510200	Training and Education	670	(400)	270
516020	Pro Ser Cnt and Fees	165,567	(5,051)	160,516
530000	Other Expenses	6,600	(1,523)	5,077
TOTAL APPROPRIATIONS:		\$343,700	0	\$343,700

and be it further

RESOLVED, that the Director of Budget, Management and Finance is hereby authorized to implement any budget adjustments as required to comply with Federal and State approved funding requirements; and be it further

RESOLVED, that certified copies of this resolution be sent to the County Executive; the Director of Budget, Management and Finance; Andrew M. Eszak, Commissioner of Environment and Planning; Michael Raab, Deputy Commissioner of Environment and Planning; the County Comptroller; and the County Attorney.
(5-0)

9. COMM. 2E-13 (2007)
COUNTY EXECUTIVE

WHEREAS, the New York State Department of Environmental Conservation (NYSDEC) provides grant assistance to municipalities to implement projects to reduce solid waste in New York State; and

WHEREAS, the NYSDEC awarded \$160,530 on May 18, 2000, to implement a Solid Waste Reduction project; and

WHEREAS, since the inception of the project, the NYSDEC has provided supplemental funds which were accepted by Legislative resolution on November 7, 2002; and

WHEREAS, the additional funding expanded the scope of the project and extended the grant period for the NYSDEC Recycling Program to December 31, 2006; and

WHEREAS, the current budget (162DEC_RECYCLE0005) is reflected in Comm. 20E-24 approved by Legislative resolution on November 2, 2006; and

WHEREAS, the current budget requires revision to effectively utilize remaining funds and to extend the grant program through December 31, 2007.

NOW, THEREFORE, BE IT

RESOLVED, that the grant budget (162DEC_RECYCLE0005) for the New York State Department of Environmental Conservation (NYSDEC) Recycling Program will be revised as follows:

APPROPRIATIONS:

<u>ACCOUNT</u>	<u>DESCRIPTION</u>	<u>CURRENT BUDGET</u>	<u>REVISIONS</u>	<u>RREVISED BUDGET</u>
500000	Salaries	\$301,332	\$3,988	\$305,320
502000	Fringe Benefits	80,995	1,201	82,196
510000	Local Mileage	600	(30)	570
510100	Local Area Travel	1,700	0	1,700
516020	Pro Ser Cnt and Fees	165,341	0	165,341
530000	Other Expenses	12,019	(5,159)	6,860
TOTAL APPROPRIATIONS:		\$561,987	0	\$561,987

and be it further

RESOLVED, that the Director of Budget, Management and Finance is hereby authorized to implement any budget adjustments as required to comply with Federal and State approved funding requirements; and be it further

RESOLVED, that certified copies of this resolution be sent to the County Executive; the Director of Budget, Management and Finance; Andrew M. Eszak, Commissioner of Environment and Planning; Michael Raab, Deputy Commissioner of Environment and Planning; the County Comptroller; and the County Attorney.

(5-0)

THOMAS A. LOUGHRAN
CHAIRMAN